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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA
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12 DAMIEN DARNELL HARRIS,

13 Petitioner,

14 v.

15 MIKE OBENLAND,

16 Respondent.

17 CASE NO. 3:15-cv-5191 RJB-JRC

18 ORDER ON REPORT AND
19 RECOMMENDATION

20 This matter comes before the Court on United States Magistrate Judge J. Richard
21 Creatura's Report and Recommendation (Dkt. 4). The Court has considered the Report and
22 Recommendation, and the file herein.

23 On March 31, 2015, petitioner filed a § 2254 petition, requesting that the Court grant him
24 *in forma pauperis* status and waive the five dollar filing fee. Dkt. 1.

25 On April 3, 2015, Magistrate Judge Creatura issued a Report and Recommendation,
26 recommending that the Court deny petitioner *in forma pauperis* status because he determined
27 that petitioner can afford to pay the five dollar filing fee. Dkt. 4.

28 On April 9, 2015, petitioner paid the five dollar filing fee.

1 On April 13, 2015, petitioner filed his Objections to the Report and Recommendation,
2 requesting that the Court grant him *in forma pauperis* status because he did not have the five
3 dollar filing fee when he signed and mailed his § 2254 petition. Dkt. 9.

4 Magistrate Judge Creatura's Report and Recommendation and petitioner's Objections are
5 moot because petitioner has already paid the five dollar filing fee. Accordingly, the Court should
6 re-refer this case to Magistrate Judge Creatura for further proceedings.

7 The Court, having reviewed the Report and Recommendation, and the file herein, does
8 hereby **ORDER** that:

- 9 (1) The Report and Recommendation (Dkt. 4) and Petitioner's Objections to Report
10 and Recommendation to Proceed In Forma Pauperis (Dkt. 9) are **MOOT**.
- 11 (2) This matter is **RE-REFERRED** to Magistrate Judge Creatura for further
12 proceedings.
- 13 (3) The Clerk shall direct copies of this Order to all counsel and to Magistrate Judge
14 J. Richard Creatura.

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
16 to any party appearing *pro se* at said party's last known address.

17 Dated this 16th day of April, 2015.

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ROBERT J. BRYAN
United States District Judge